

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Elizabeth Hopkins	Team: Team # 5	CCRB Case #: 200919054	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/12/2009 10:15 PM	Location of Incident: 28th Precinct stationhouse	Precinct: 28	18 Mo. SOL 6/12/2011	EO SOL 6/12/2011	
Date/Time CV Reported Sat, 12/12/2009 11:15 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 12/12/2009 11:15 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			028 PCT
2. SGT John Tancredi	01061	924537	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Robert Ellington	04971	902755	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Tancredi	Abuse: SGT John Tancredi refused to provide his shield number to § 87(2)(b)	
B. An officer	Discourtesy: An officer spoke obscenely and/or rudely to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint via the CCRB's Call Processing System on December 12, 2009 (encl. 2A-B). On that date, § 87(2)(b) went to the 28th Precinct stationhouse to gain information regarding the arrest of a friend. The following allegations resulted:

- **Allegation A – Abuse of Authority:** SGT John Tancredi refused to provide his shield number to § 87(2)(b) § 87(2)(g)

- **Allegation B – Discourtesy:** An officer spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(g)

This case was not eligible for mediation because § 87(2)(b) stated that she intended to file a lawsuit in regards to the incident.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) year old black woman; she is five feet and eight inches tall, weighs one hundred and forty pounds, and has brown hair and brown eyes. § 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on December 22, 2009 (encl. 3A-D). On December 12, 2009 at approximately 10:15 p.m., § 87(2)(b) went to the 28th Precinct stationhouse, in Manhattan, to meet a friend § 87(2)(b) and to gain information about the arrest of their friend, § 87(2)(b). When § 87(2)(b) entered the stationhouse, § 87(2)(b) was speaking with an officer who later identified himself to § 87(2)(b) as PO John and said that he was handling § 87(2)(b) case. The CCRB investigation determined that this officer was SGT John Tancredi. § 87(2)(b) listened to their conversation and made comments regarding the investigation. SGT Tancredi said, "You don't tell me what the fuck to do," "You don't do this, motherfuck," and "You get the fuck out of my Precinct." § 87(2)(b) stated that every word out of his mouth was a curse word. She told SGT Tancredi not to speak in that way, and he responded, "You don't tell me what the fuck to do. I'll arrest you." § 87(2)(b) also said that SGT Tancredi said, "I'll arrest you, bitch." § 87(2)(b) asked what she would be arrested for and said, "I want your badge number." SGT Tancredi said, "I'm not giving you a motherfucking thing. Get the fuck out of my Precinct."

§ 87(2)(b) was present and three to four people were in the precinct, but § 87(2)(b) could not provide more information about these individuals or identify them as officers or civilians. An unidentified officer described as a white male in his forties or fifties of medium to heavy build with black hair, who was seated behind the desk and may have had sergeant stripes on his arm, said, "You get the fuck out of this precinct." § 87(2)(b) told the officers that they would see her again, and left the stationhouse.

§ 87(2)(b) was contacted via telephone and letter five and two times, respectively, between February 5, 2010 and July 1, 2010, in order for a photographic array to be scheduled. On June 16, 2010, she scheduled to appear at the CCRB for a photographic array on June 18, 2010. § 87(2)(b) did not appear for this appointment or contact the CCRB.

Witness: § 87(2)(b)

On January 22, 2010, § 87(2)(b) provided a brief statement via telephone (encl. 4A). § 87(2)(g) described “DT John,” who identified himself by name to her, as a white male in his thirties with an average build, standing approximately five feet and five inches, and dressed in plainclothes. This officer was determined through CCRB investigation to be SGT John Tancredi. He spoke calmly to § 87(2)(b) and § 87(2)(b) at the onset of their conversation, but when § 87(2)(b) indicated that she “knows how [a police investigation] works,” SGT Tancredi raised his voice and began to yell at § 87(2)(b). He said, “Get the fuck up out of my precinct before you’re arrested.” § 87(2)(b) said she would report SGT Tancredi and asked for his badge number, but he did not provide this.

On January 22, 2010, § 87(2)(b) scheduled to provide a sworn statement at the CCRB on January 27, 2010, but she did not appear for this appointment or contact the CCRB. § 87(2)(b) was contacted via telephone five additional times between January 29 and February 16, 2010, and was mailed two letters, on February 2 and February 5, 2010, neither of which was returned by the United States Postal Service. § 87(2)(b) did not contact the CCRB.

NYPD Statements

Subject Officer: SGT JOHN TANCREDI

- *SGT John Tancredi is a § 87(2)(b) year old white male; he is five feet and nine inches tall, weighs one hundred and eighty pounds, and has black hair and hazel eyes.*
- *On December 12, 2009, SGT Tancredi worked from 7:10 a.m. to 11:54 p.m.; he was assigned to Anti-crime supervisor and drove an unmarked vehicle. SGT Tancredi had no recollection of his partner on this date.*

Memo Book

SGT Tancredi had no memobook entries relevant to this incident (encl. 5A-B).

CCRB Statement

SGT Tancredi was interviewed on September 8, 2010 (encl. 5C-D). He had no recollection of this incident and did not recognize the identification card of § 87(2)(b) that was presented to him. SGT Tancredi remembered the arrest of § 87(2)(b) of which he was the supervisor, but did not recall speaking with anyone at the stationhouse about the incident. The investigator presented a command log entry, which SGT Tancredi identified as having been written by him, which confirmed that SGT Tancredi was at the front desk at 11:08 p.m. on December 12, 2009. He did not recall speaking with any civilians around the time that he made this command log entry. He did not recall arguing or having any confrontations in regards to the arrest of Michael Gerard.

SGT Tancredi denied having used or heard any other officers use any profanities, including “fuck,” in speaking with any civilians who came into the stationhouse on December 12, 2009. He did not recall any civilians asking for his badge number on the date of incident and did not recall providing this information, but stated that he would have provided this information if asked. He did not identify himself as “John,” on the date of incident. He did not recall PO

Caldwell or the desk officer speaking with any civilians and did not hear the desk officer say, "Get the fuck out of this precinct."

Witness Officer: SGT ROBERT ELLINGTON

- *SGT Robert Ellington is a § 87(2)(b) year old white male; he is six feet tall, weighs two hundred and twenty pounds, and has blue eyes and brown hair.*
- *On December 12, 2009, SGT Ellington was the desk officer at the 28th Precinct; he worked from 2:50 p.m. to 11:47 p.m. and was dressed in uniform. SGT Ellington was transferred to the Brooklyn Housing command on February 17, 2010.*

Memo Book

SGT Ellington had no memo book entries relevant to this incident (encl. 5E-F).

CCRB Statement

SGT Ellington was interviewed at the CCRB on March 30, 2010 (encl. 5G-H). He had no recollection of this incident and did not recognize an identification card photograph of § 87(2)(b). He described his duties as desk officer to include greeting civilians in the waiting area of the 28th Precinct stationhouse, where they would be within earshot of the front desk. SGT Ellington denied hearing any officer say, December 12, 2009, "You don't tell me what the fuck to do," "Get the fuck out of this Precinct. If you don't I'm going to arrest you," or any statements such as this.

NYPD Documents:

Arrest Report (encl. 6A-C)

§ 87(2)(b) was arrested by PO Michael Caldwell, of the 28th Precinct, at 2:45 a.m. on December 12, 2009. SGT John Tancredi supervised the arrest.

CTS Officer Identification (encl. 6D-E)

There are seven white or Hispanic officers with the first name of or similar to "John" in the 28th Precinct. There are no white or Hispanic officers with a last name sounding or being spelled like "John" in the 28th Precinct.

28th Precinct Third Tour Roll Call (encl. 6F-O)

On December 12, 2010, SGT Ellington was the desk officer from 6:50 p.m. to 11:47 p.m. No officers with the first name of or similar to "John" were on duty during the third tour of December 12, 2010, as SGT Tancredi and PO Caldwell's tours were changed to the second tour to accommodate a new arrest.

28th Precinct Detective Squad Roll Call (encl. 6P-T)

There is no officer on the 28th Precinct Detective Squad with the first or last name of or similar to "John." There were four white male detectives on duty during the time of this incident: DT Paul Castaldi, DT Noel Michael, DT Jack Franzitta, and DT Kevin Blake.

December 12, 2009 Command Log (encl. 6U-V)

There is no command log entry indicating § 87(2)(b) or § 87(2)(b)s presence at the 28th Precinct stationhouse on or about 10:15 p.m. SGT Angel Velez indicated that he was present for duty at 10:30 p.m. Although it is indicated on the 3rd Tour Roll Call that SGT Tancredi and PO Caldwell had a tour change to accommodate a new arrest and were therefore not

on duty at 10:15 p.m., it is noted in the command log at 11:08 p.m., that PO Caldwell and SGT Tancredi adjusted personal property at a prisoner's request.

NYPD Officer Photographs (encl. 6W-CFF)

SGT John Tancredi is a § 87(2)(b) year old white male; he is five feet and nine inches tall, weighs one hundred and seventy-five pounds, and has brown eyes and black hair.

PO Michael Caldwell is a § 87(2)(b) year old white male; he is five feet and six inches tall, weighs one hundred and fifty pounds, and has brown eyes and red hair.

SGT Robert Crespo is a § 87(2)(b) year old Hispanic male; he is five feet and nine inches tall, weighs one hundred and seventy-eight pounds, and has blue eyes and black hair.

SGT Angel Velez is a § 87(2)(b) year old Hispanic male; he is five feet and ten inches tall, weighs two hundred and ten pounds, and has brown eyes and black hair.

SGT Kenneth Rodgers is a § 87(2)(b) year old white male; he is five feet and eleven inches tall, weighs one hundred and seventy-five pounds, and has black hair and green eyes.

DT Noel Michael is a § 87(2)(b) year old white male; he is five feet and six inches tall, weighs two hundred and twenty pounds, and has blue eyes and brown hair.

DT Paul Castaldi is a § 87(2)(b) year old white male; he is five feet and nine inches tall, weighs two hundred and thirty-five pounds, and has blue eyes and brown hair.

DT Jack Franzitta is a § 87(2)(b) year old white male; he is five feet and ten inches tall, weighs one hundred and ninety pounds, and has black eyes and black hair.

DT Kevin Blake is a § 87(2)(b) year old white male; he is six feet tall, weighs one hundred and eighty-five pounds, and has brown eyes and brown hair.

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of July 29, 2010 with regard to the incident (encl. 7A).

Civilian's Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian's CCRB History

- § 87(2)(b) has filed the following CCRB complaint:
 - § 87(2)(b)

Subject Officer's CCRB History

- SGT Tancredi has been a member of the NYPD for eleven years and there is one substantiated CCRB allegation against him:
 - In 200912901, it was determined that SGT Tancredi wrongfully refused to provide his name and shield number. The NYPD's disposition for this allegation is not currently available (encl. 1B).

Conclusion

Identification of Subject Officer

§ 87(2)(b) described the officer who spoke discourteously, threatened to arrest, and refused to provide his shield number to her as a white male of very short stature, between four feet and six inches and five feet tall, in his thirties, with black hair and a light moustache, and

dressed in informal plainclothes. This officer informed § 87(2)(b) and § 87(2)(b) that he was handling § 87(2)(b) case. § 87(2)(b) described this officer, who identified to her as “John,” as a white male in his thirties with an average build and standing approximately five feet and five inches. SGT John Tancredi, a § 87(2)(b) year old white male with black hair and standing five feet and nine inches tall, did supervise § 87(2)(b) arrest and was in the vicinity of the front desk within the hour of the approximate time of this incident as provided by § 87(2)(b).

§ 87(2)(b) § 87(2)(g) § 87(2)(b) alleged the officer seated at the front desk, whom she described as a white male in his forties or fifties with a medium to heavy build and black hair told her to “get the fuck out of this precinct.” SGT Robert Ellington, the desk sergeant on duty, does not match this description in that his hair and eyes are light-colored and the build of his body is medium to slim. SGT Ellington had no recollection of this incident and was unable to identify the subject of this complaint. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: SGT John Tancredi refused to provide his shield number to § 87(2)(b)

SGT Tancredi and SGT Ellington had no recollection of this incident. SGT Tancredi did not recall arguing with anyone in regards to this arrest and denied using profanity in speaking with § 87(2)(b) threatening to arrest her, or refusing to provide his shield number, as alleged. Witness § 87(2)(b) was uncooperative in providing a statement to the CCRB regarding this incident. § 87(2)(g)

Allegation B – Discourtesy: An officer spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date